



Our ref: ATISN 13924
Date: 5 June 2020

Dear ,

Complaint in respect of ATISN 13924

I wrote to you on 15 May to inform you that I would be undertaking the internal review requested in your email of 4 May 2020. I have considered your complaint in accordance with the procedure outlined in [Requesting information from the Welsh Government](#).

My conclusions following the review, having regard to the terms of your email, are as follows.

You expressed disappointment that the initial reply to your freedom of Information (Fol) request, which you directed to the First Minister, had come from an official rather than from the First Minister. Please be aware that, in order to avoid any suggestion that information is being withheld on ministerial instruction, it is standard practice for responses to Fol requests to be handled by officials not under the direction of Ministers, who may be informed of the terms of replies to enquirers or complainants but who are not asked to agree them. This standard practice was followed in this case.

Your initial request for information related to particular aspects of the regulation on the taking of exercise outdoors made in the context of the Covid pandemic. That regulation has subsequently been amended by regulation s.2(4)(b) of The Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No.3) Regulations 2020, which came into force on 11 May. The following link provides a copy of the amending regulations, which supersede those in respect of which you sought clarification
<http://www.legislation.gov.uk/wsi/2020/497/contents/made>

Ministers issued advice to the public on the practical implications of the initial version of the regulations, and you asked 'since when has advice however vague been enforceable



at law?'. I can confirm that it is the responsibility of the police and the prosecuting authorities to seek to enforce the regulations only, and that they will not seek to enforce any associated advice.

Should any case come to court, it would be for that court, in interpreting and applying the regulations to the case before it, to decide what weight, if any, to give to the advice. You state your view that the 'Regulations undoubtedly breach the UN Universal Declaration of Human Rights'; please note that a court would not take the Declaration into account in reaching its conclusions, as the Declaration has never formed a part of UK domestic law. I hope that this response adequately deals with the issues you raised in your complaint.

If you remain dissatisfied with this response you have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely

Hugh Rawlings